

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

**RICHARD LEE PAIVA**

**C.A. NO. 10-179 S**

**TEJ BANSAL, ET AL.**

**MEMORANDUM AND ORDER**

Jacob Hagopian, Senior United States Magistrate Judge

Plaintiff, Richard Lee Paiva (“Plaintiff”), *pro se*, an inmate at the Adult Correctional Institutions in Cranston, Rhode Island, filed a complaint on April 19, 2010 alleging that ACI doctors Tej Bansal and Jose Arias have been deliberately indifferent to Plaintiff’s serious medical needs in violation of his constitutional rights (the “Complaint”) (Docket # 1). Presently before the Court is Plaintiff’s motion to amend the Complaint pursuant to Rule 15 of the Federal Rules of Civil Procedure (“Rule 15”) (Docket # 32). Defendants Bansal and Arias have objected to Plaintiff’s motion (Docket # 47). For the reasons stated below, Plaintiff’s instant motion to amend is GRANTED.

**DISCUSSION**

Under Federal Rule 15(a)(2), after an opposing party has submitted a response to a plaintiff’s complaint, the plaintiff may amend his pleading “only with the opposing party’s written consent or the court’s leave.” Fed.R.Civ.P. 15(a)(2). Here, Plaintiff seeks to amend the Complaint to add the new ACI Medical Program Director, Michael Fine, M.D., as a defendant in this action. As (i) the allegations against Dr. Fine are related to Plaintiff’s allegations against the current Defendants and (ii) Rule 15 instructs the court to “freely give leave when justice so requires,” *id.*, Plaintiff’s motion to amend the Complaint to include allegations against Dr. Fine is GRANTED. Plaintiff shall be permitted to file an amended complaint, including all allegations against each defendant in the action, within 30 days from the date hereof.

IT IS SO ORDERED.



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Jacob Hagopian  
Senior United States Magistrate Judge  
February 15, 2011